

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EVERETT CALVERT,)	CASE NO. 5:19CV326
)	
Plaintiff,)	
)	
v.)	MAGISTRATE JUDGE
)	KATHLEEN B. BURKE
B. BRAUN MEDICAL INC., <i>et al.</i> ,)	
)	
Defendants.)	<u>MEMORANDUM OPINION & ORDER</u>

On January 14, 2020, the Court granted Defendants' unopposed motion to file a motion for summary judgment early and to stay Defendants' expert report dates until further notice.

Docs. 50, 51. The basis for Defendants' request was as follows:

Plaintiff Everett Calvert cannot sustain his burden of proof in this product liability medical device case without qualified expert witness testimony. Plaintiff has not disclosed any experts or provided any expert reports, and the deadline to do so has passed. In the interim, counsel have communicated with each other and Plaintiff's counsel has indicated that Plaintiff is aware of the passage of his deadline to disclose expert witnesses and is not applying for leave to do so in the future.

Doc. 50, p. 2. In granting Defendants' request, the Court ordered Defendants to file their summary judgment motion on or by January 31, 2020, and Plaintiffs to file any responsive brief thirty days later. Doc. 51.

On January 31, 2020, Defendants filed their motion for summary judgment. Doc. 52. Plaintiff did not file a responsive brief and the time to do so has passed. Accordingly, the Court finds Defendants' motion for summary judgment well-taken, unopposed, and hereby GRANTS

Defendants' motion (Doc. 52) and enters judgment in favor of Defendants.

IT IS SO ORDERED.

Dated: March 6, 2020

/s/ Kathleen B. Burke

Kathleen B. Burke
United States Magistrate Judge